

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Review of Technical Policies and Rules)	RM-11565
Presenting Obstacles to Implementation)	MB Docket No. 09-52
of Section 307(b) of the Communications)	
Act and to the Promotion of Diversity)	
And Localism)	

To: The Commission

**REPLY COMMENTS OF CBS RADIO INC.,
ENTERCOM COMMUNICATIONS CORP.,
AND CLEAR CHANNEL COMMUNICATIONS, INC.**

CBS Radio Inc., Entercom Communications Corp., and Clear Channel Communications, Inc. (collectively, the "Joint Parties"), by undersigned counsel, hereby submit these Reply Comments in response to comments filed in the above-captioned proceeding, this phase of which was initiated by a "Radio Rescue Petition for Rulemaking" ("Petition"), filed by the Minority Media Telecommunications Council ("MMTC") on July 19, 2009.¹

The Joint Parties applaud MMTC's creativity, as well as the motivation for and the goal of the Petition -- revision or deletion of "certain outdated and ineffective rules for the purpose of improving the general state of the radio broadcasting industry." *Comments of MMTC* at 1 (Oct. 23, 2009) ("*MMTC Comments*"). The Joint Parties also agree with the National Association of Broadcasters ("NAB") that a thoughtful review and modification of certain Commission rules

¹ The Joint Parties recognize that these Reply Comments are late-filed and respectfully request appropriate leave for their acceptance, either as late-filed reply comments or as an ex parte submission. See 47 C.F.R. § 1.405.

governing radio broadcasting could help “provide broadcasters with needed flexibility to preserve and improve service to their local communities,” particularly in light of the challenges presented by the current economic environment. *Comments of NAB* at 1 (Oct. 23, 2009) (“*NAB Comments*”). The Joint Parties encourage the Commission to carefully review and formulate rulemaking positions on a number of MMTC’s proposals that, while individually may have modest impact, on a collective basis could result in creative, cost-effective and prompt benefits for the radio industry.

As MMTC and other commenters observe, the ongoing financial crisis and recession have adversely affected commercial broadcasters disproportionately, in light of the fact that, to some extent, advertising is a “discretionary” expenditure. In addition, radio broadcasters face competition from new and emerging media sources, most of which operate unfettered by regulations that in many instances impose significant compliance and opportunity costs on terrestrial broadcasters. The Joint Parties agree that certain technical and application-processing regulations are “obsolete,” *MMTC Comments* at 4, and submit that revisiting and relaxing these rules would ensure that regulatory requirements “remain appropriate in light of current market realities.” *NAB Comments* at 2. In particular, the Joint Parties perceive merit to several of MMTC’s suggested regulatory relaxations:

Elimination of the AM Nighttime Coverage Rule

The Joint Parties concur that the current AM nighttime coverage rule, requiring 80% of an AM station’s principal community to be encompassed by the greater of the nighttime 5 mV/m contour or the nighttime interference-free contour, hampers the ability of some AM broadcasters to improve daytime coverage and to lower operational costs by locating facilities to less costly transmission sites. The rule can also give rise to considerable hardship for AM broadcasters who

suffer the loss of an antenna site or who witness the boundaries of their communities change through annexation or growth. Because of the restrictions imposed by the AM nighttime coverage rule, some stations can maximize daytime coverage only by constructing and maintaining separate daytime and nighttime facilities -- an extraordinary burden that many broadcasters simply cannot undertake. Elimination of the nighttime community coverage rule would provide these stations far more flexibility in selecting transmission sites that would not only maximize their daytime coverage, but spare them substantial operating expenses.

Replacing the AM Minimum Efficiency Standard with a “Minimum Radiation” Standard

MMTC characterizes the current minimum efficiency rules for AM stations as a good example of archaic regulations that have outlived their purpose. The Joint Parties agree. The AM efficiency standard, which arose out of limitations in technology and infrastructure in the early days of broadcasting, forces some broadcasters to use extremely large antenna systems, which in turn require extensive geographical areas for transmission locations. Modern technology and engineering, however, allow AM broadcasters to achieve the same desired signal characteristics, but with far greater flexibility in antenna design, and thus site selection. The Joint Parties encourage the Commission to consider providing AM broadcasters an added measure of flexibility, and a chance to improve service and lower their operational costs, by exploring the suggested “minimum radiation” standard advocated by MMTC and endorsed by NAB.

Allowing FM Applicants Flexibility in Specifying Class C Facilities

The Joint Parties concur that the Commission should consider amending the rules to allow specification of Class C (C, C0, C1, C2 and C3) facilities across the country, including within Zones I and IA, where stations with such facilities cannot currently be authorized. This

would allow some stations to upgrade facilities, thus providing better service to local communities, while still being subject to adequate spacing and therefore providing appropriate interference protection.

Removing Non-Viable FM Allotments

The Joint Parties support MMTC's proposal to remove non-viable FM assignments from the FM Table of Allotments. Such action would promote spectrum efficiency by allowing the opportunity for other stations to upgrade and expand their service. The current process for removing such non-viable allotments is, as MMTC and NAB note, unduly complicated and cumbersome. The Joint Parties therefore encourage the Commission to consider simplifying the process for addressing and deleting non-viable FM allotments.

Conducting Tutorials on Engineering Rules

MMTC correctly observes that the rules governing radio broadcasting, and in particular, technical engineering, have become increasingly complex over time. MMTC proposes a series of outreach tutorial sessions, held both in Washington and at locations around the country, to ensure that these complex rules are understood not just by engineers, but by other individuals who are key to compliance, such as station owners and managers. The Joint Parties urge the Commission to consider this proposal thoroughly, as well as NAB's offer "to partner with the Commission on holding such sessions at [the] annual convention in Las Vegas and the annual NAB Radio Show." *NAB Comments* at 10. Such tutorials, especially in locations where a contingent of broadcasters is already assembled, could provide a cost-effective forum for promoting successful implementation and compliance with intricate technical requirements.

CONCLUSION

MMTC's Petition properly recognizes that the radio industry generally, and minority entrepreneurs in particular, are currently subject to unprecedented financial pressures which call for regulatory relief. Many of MMTC's proposals are thoughtful and target technical and engineering rules and policies that have become vestiges of a bygone era and are ripe for review and appropriate deletion or revision. Accordingly, the Joint Parties generally support MMTC's effort, particularly with respect to the several proposals discussed in these Reply Comments.


Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Genevieve F. Edmonds, hereby certify that on this 18th day of November, 2009, a copy of the foregoing Reply Comments in MB Docket No. 09-52, RM-11565, has been sent via first class, U.S. Mail, postage prepaid, to the following:

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A handwritten signature in black ink, appearing to read "Genevieve F. Edmonds", written over a horizontal line.

Genevieve F. Edmonds